

### **REMARKS**

This is intended to be a complete response to the Official Action mailed November 3, 2003.

Claims 13-17 have been amended to make the terminology therein consistent with independent claim 11. New claims 20-23 have been added.

### **Supplemental IDS - 1449 Form**

Applicants respectfully request that the Examiner provide an initialed copy of the 1449 form submitted with the supplementary IDS filed August 8, 2003.

### **Rejection under § 103(a)**

Claims 1-3, 6-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Alvarez et al. article in view of the Tohji article.

Applicants respectfully traverse. The article by Alvarez et al. has a publication date of 2001. The present application however claims the filing date of U.S. Provisional application Serial No. 60/253,877, filed on November 29, 2000.

Applicants respectfully submit that the teachings of Alvarez et al. which are relied on by the examiner to support the rejection of the claims, i.e. that:

"Alvarez teaches on pg. 548 preheating a Co-Mo catalyst in hydrogen and then growing SWNTs."

are all contained within the disclosure of the parent provisional application, 60/253,877 (a copy of which is provided herewith for the examiner's convenience).

Further, the "catalytically forming" step of claims 1 and 11 wherein the catalytic particles are exposed to a gas at a space velocity of 30,000 h<sup>-1</sup> is also supported in the disclosure of the provisional application (see p. 18, lines 11-13 and p. 38, lines 13-14).

Applicant therefore respectfully submits that the article by Alvarez et al. cannot be validly asserted against the present application since it is not a valid reference under 35 U.S.C. § 102.

In view of the above, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

### **Double Patenting**

Claims 11-19 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,413,487.

Applicants submit herewith a terminal disclaimer over U.S. Patent No. 6,413,487, in view of which applicants respectfully submit that the double patenting rejection is now moot.

### **New Claims**

New claims 20-23 are supported on page 19, ¶ 47 of the present specification.

### **Conclusion**

In view of the above, Applicants respectfully submit the claims are now in a condition for allowance and request issuance of a Notice of Allowance thereof.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher W. Corbett", written over a horizontal line.

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